

Center for Children's Advocacy

65 Elizabeth Street, Hartford, CT 06105 860-570-5327 www.kidscounsel.org

TESTIMONY OF
CARMIA N. CAESAR, J.D. OF THE CENTER FOR CHILDREN'S ADVOCACY
IN SUPPORT OF HOUSE BILL NO. 5318,
AN ACT CONCERNING SCHOOL RESOURCE OFFICERS

March 1, 2010

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. I am an attorney with the Center's TeamChild Juvenile Justice Project, providing legal representation to youth in the juvenile justice system on a daily basis. As a result, through first-hand knowledge, I see the impact that arrests have on youth when they have been effectuated by untrained school resource officers.

Connecticut's School Resource Officers serve in spite of inconsistent duties, training, and support from the districts to which they are assigned.

Unlike other specialized police positions, school resource officers often receive little or no dedicated training. Connecticut school resource officers are left to cobble together training from other jurisdictions. Furthermore, the responsibilities of school resource officers within the school are rarely clearly delineated, leading to confusion about their roles in the schools where they are stationed. With proper training, school resource officers will be better equipped to de-escalate potentially explosive situations.

School-based arrests, the majority of which are for non-violent offenses, are on the rise and are occurring in a discriminatory manner.

A 2008 ACLU report on school-based arrests in Connecticut found that school-based arrests are on the rise in some districts by as much as 32 percent in one year.¹ Very young children are being arrested at

¹ "Hard Lessons Learned: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns. The American Civil Liberties Union. November 2008.
http://www.aclu.org/files/pdfs/racialjustice/hardlessons_november2008.pdf

school, including children younger than third grade. Students of color are significantly more likely to be arrested at school than white students for the very same offenses.

Formal processing through the Juvenile Justice System has a negative impact on the juvenile's future and their involvement in the adult criminal justice system.

A study released in 2009 found youths who had been involved in juvenile court were seven times more likely to have adult criminal records than youth with the same backgrounds and self-reported delinquency but no juvenile court record.² When comparing youths with equivalent behavior and delinquency histories, but no history in juvenile court, it was found that youths who received mild sentences, such as counseling or community service, were 2.3 times as likely to incur adult criminal records, youths placed on probation were 14 times as likely to incur adult records, and youths placed in a juvenile correctional institution were 38 times as likely to have adult records.

A 2010 study shows that formal processing through the juvenile justice system harms the life outcomes of children. The very act of being labeled as a delinquent makes them more likely to commit crimes as adults. Researchers studied more than 7,300 juveniles across 29 experiments over a 35-year period. Based on the evidence, formal processing of juveniles appears not to control crime, but actually seems to increase delinquency.³

Juvenile sanctions also has an impact on progress in school and subsequent success in the labor market. According to a U.S. Department of Education study, three-fifths of youth incarcerated as ninth-graders either never re-enrolled in school or dropped out within five months of returning to school. Criminalizing trivial offenses pushes children out of the school system and into the juvenile justice system. Even in cases where punishments are mild, students are less likely to graduate and more likely to end up back in the court system than their peers, and they are saddled with a juvenile or criminal record.

Arresting children at school harms children and communities.

Keeping children in school is crucial to improving their long-term opportunities. Students who feel connected to school are less likely to use illegal substances, become pregnant, attempt suicide or

2 Gatti, U., Tremblay, R. E., Vitaro, F. Iatrogenic effect of juvenile justice. *Journal of Child Psychology and Psychiatry* 50:8 (2009), pp 991-998.

3 Petrosino A., Turpin-Petrosino C., Guckenburg, S. Formal system processing of juveniles: Effects on delinquency. *Campbell Systematic Reviews* 2010:1

engage in violent behavior.⁴ When school resource officers have effective tools and choices other than arrest, they can help divert children from the juvenile justice system. Most juvenile justice-involved children never graduate from high school and arrested children are more likely to offend again. Throughout their lives, these children may continue to face barriers stemming from school-based arrests, including denials of student loans, public housing, employment or occupational licenses.

National best practices require training for SROs.

There are over 20,000 sworn police officers assigned to schools.⁵ They are responsible for a spectrum of duties, many of which do not fall within the traditional law enforcement roles, including educational as well as law enforcement roles. Yet, typical school police training programs do not sensitize officers to students' educational needs or the impact of aggressive measures on the learning environment. Unlike educators, officers are less likely to consider educational outcomes in discretionary matters, including the decision to arrest. Evidence suggests that overly intrusive supervision may lead to mistrust and alienation, both of which may exacerbate oppositional behavior and ultimately undermine school safety.

The Development of a Plan is Important but needs to be complemented by a provision that requires implementation of the plan as well as a Memorandum of Understanding between the police department and the school districts.

We believe that Proposed Bill No. 5318, if amended to require implementation of the plan by August 2011, has the potential to measurably improve the resources available to School Resource Officers to promote school safety and to protect children's educational opportunities.

Having a clear statement of the role SROs are meant to play and the objectives they are meant to achieve is an essential element of any SRO program, and this can be accomplished through an MOU between the school board and the police department, in which the mutual responsibilities of SROs and educators are spelled out.⁶

4 Resnick, M.D., Bearman, P.S., Blum, R.W., Bauman, K.E., Harris, K.M., Jones, J., Tabor, K., Beuhring, T., Sieving, R.E., Shaw, M., Ireland, M., Bearinger, L.I., & Udry, J.R. (September 10, 1997). Protecting Adolescents from Harm: Findings from the National Longitudinal Study on Adolescent Health. *Journal of the American Medical Association*, 278(10), 823- 832.

5 Brown, Ben, "Understanding and assessing school police officers: A conceptual and methodological comment," *Journal of Criminal Justice*, Vol. 24, 591-604 (2006).

6 "Hard Lessons Learned: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns. The American Civil Liberties Union. November 2008.
http://www.aclu.org/files/pdfs/racialjustice/hardlessons_november2008.pdf

We strongly believe that it is important to have Memoranda of Understanding (MOUs) between all police departments and school districts in which SROs are stationed in schools by January 2012. MOUs clearly delineate the responsibilities of each party, providing structure and guidelines to both the police officers and school personnel. In many districts across the state, these relationships exist without formal agreements, leaving Connecticut's police officers to navigate the complexities of our public schools without guidance or instruction. According to one federally-funded study of SRO programs, it was found that the most frequent and destructive mistakes made by many SRO programs is that they fail to define the SRO's roles and responsibilities in detail both before and after the officers take their positions in the schools.⁷ When an SRO program fails to do so, problems become widespread at the beginning of the program and often last for months and sometimes years.

By acting as counselors, instructors, and law enforcement officers, properly trained and supported school resource officers ensure that children are arrested only when necessary to protect the safety of Connecticut schoolchildren. Our state's school children deserve nothing less.

For the foregoing reasons, we urge you to pass Raised Bill No. 5318, *An Act Concerning School Resource Officers* with the suggested amendments:

(a) Within available appropriations, no later than August 31, 2011, the Connecticut Department of Children and Families and the Court Support Services Division of the Connecticut Judicial Department, in collaboration with the Connecticut School Resource Officer Association, shall create and offer to all school districts, at no charge, a safe schools training course which includes, but is not limited to training on: (1) the role and responsibility of school resource officers, (2) relevant state and federal laws, (3) security awareness in the school environment, (4) counseling, mediation and conflict resolution, (5) disaster and emergency response, (6) de-escalation of student behavior, including, but not limited to students with behavioral health and special education needs, (7) child and adolescent psychology and development, (8) cultural competence, and (9) gender-responsive strategies. (b) After the implementation of the safe schools training course pursuant to this section, any school resource officer who is assigned to a public school shall complete the safe schools training course within 12 months of that assignment. A person who is assigned to a public school as a school resource officer prior to the effective date of this act shall be required to complete the safe schools training course within 12 months of the implementation of the safe schools training course. This requirement may also be fulfilled through completion of a school resource officer training course that includes training on the subjects in subsection (b) and is presented by a recognized training organization specializing in school resource officer training.

(c) No later than January 1, 2012, each local and regional board of education that assigns a school resource officer to any public school shall create a written memorandum of understanding or other formal written agreement with the employing police department

⁷ Peter Finn, et al., *Comparison of Program Activities and Lessons Learned Among 19 School Resource Officer (SRO) Programs*, Feb. 28, 2005, at 23, available at http://www.ncdjdp.org/cpsv/pdf_files/SRO_Natl_Survey.pdf.

establishing: (1) the objectives of the school resource officer program; (2) the rules that will govern the school resource officer program's operation; and (3) the roles and responsibilities of school resource officers, including their roles and responsibilities as educators, counselors and law enforcement officers. Within thirty (30) days of the beginning of the school term, each local and regional board of education shall submit the agreement developed pursuant to this section to the Connecticut State Department of Education.

(d) Nothing in subsections (a) to (c), inclusive, of this section shall preclude a local or regional board of education from adopting policies and procedures pursuant to this section which exceed the requirements of said subsections.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carmia N. Caesar". The signature is fluid and cursive, with a large initial "C" and a stylized "N".

Carmia N. Caesar

Staff Attorney, TeamChild Juvenile Justice Project

Center for Children's Advocacy

UConn School of Law

65 Elizabeth Street

Hartford, CT 06105

(860)570-5327

Christa A. Menge

Law Student Intern